

GUIDELINES
ON
EMPLOYMENT
TESTING
PROCEDURES



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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

August 24, 1966



GUIDELINES:

Title VII of the Civil Rights Act of 1964 provides that an employer may give and act upon the results of "any professionally developed ability test provided that such test . . . is not designed, intended or used to discriminate because of race . . ." (Sec. 703 (h)). The language of the statute and its legislative history make it clear that tests may not be used as a device to exclude prospective employees on the basis of race. The Commission accordingly interprets "professionally developed ability test" to mean a test which fairly measures the knowledge or skills required by the particular job or class of jobs which the applicant seeks, or which fairly affords the employer a chance to measure the applicant's ability to perform a particular job or class of jobs. The fact that a test was prepared by an individual or organization claiming expertise in test preparation does not, without more, justify its use within the meaning of Title VII.

Evaluation of test results is but one of several methods available to an employer in screening applicants and selecting new employees. If the facts indicate that an employer has discriminated in the past on the basis of race, sex or other prohibited grounds, the use of tests in such circumstances will be scrutinized carefully by the Commission.

An employer committed to equal employment opportunity will take affirmative action to ensure that all of his personnel policies are valid and consistent with his commitment.

Employers have discovered that they may be inadvertently excluding qualified minority applicants through inappropriate testing procedures. Indeed such testing may discriminate in employment and promotion just as effectively as the once common "white only" or "Anglo only" signs. On the other hand, employers who use tests, but treat them as only one of several factors in the hire or promotion process, have found valuable employees in minority groups who would have been excluded if the tests were the sole and controlling factor.

Employers have appealed to the Commission for guidance in the search for sound testing procedures. The Commission, on its part, has consulted with a panel of outstanding psychologists, all of whom have broad practical experience in the testing field. The guidelines are based on their recommendations.

Following are the general guidelines of the Commission and the report of the psychologists. In developing the guidelines the Commission sought to provide employers with a scientifically sound, industrially-proven, and equitable basis for matching manpower re-

quirements with human aptitudes and abilities. The employer who conscientiously follows these guidelines will have taken a long step to ensure equal opportunity to all applicants and employees regardless of race, color, religion, sex or national origin.

THE COMMISSION ADVOCATES:

- I. Use of a **total personnel assessment system** that is non-discriminatory within the spirit of the law and places special emphasis on:
 - a) **Careful job analysis to define skill requirements.** Job descriptions should be examined and the essential requirements of the job determined before tests are selected. Job requirements often are stated in generalized terms such as "high school graduate," or "potential to advance to higher level." Such requirements may not necessarily be related to performance of a specific job in a given work setting.
 - b) **Special efforts in recruiting minorities.** The Commission encourages employers to seek out minority group applicants, to objectively assess their potentialities as employees, and to hire "qualifiable" applicants.
 - c) **Screening and interviewing related to job requirements.** Screening of applicants should be based on the qualifications required for a specific job. Interviewing and testing of minority applicants should be conducted by personnel thoroughly committed to equal employment opportunity policy as well as knowledgeable and skilled in intergroup relations. An inferior education and lack of opportunities for development of skills may cause minority group applicants to appear less confident or less knowledgeable to the uninitiated, but such persons may be fully productive workers in many jobs.
 - d) **Tests selected on the basis of specific job-related criteria.** The Commission views tests as only one component of the personnel system—no better or worse than the selection system of which they are a part. "It is quite possible to take a test that has been professionally developed in one situation and misuse it in another situation." The characteristics of a test, apart from the situation in which it is used, are not sufficient evidence on which to judge its quality.

The Commission will not recommend any particular test, but adopts the *Standards for Educational and Psychological Tests and Manuals*, prepared by a joint committee of the American Psychological Association, American Educational Research Association, and National Council on Measurement in Education

(published by The American Psychological Association). This publication, endorsed by the panel of psychologists, consulted by the Commission, was prepared by recognized spokesmen for the profession and establishes standards and technical merits of evaluation procedures.

e) **Comparison of test performance versus job performance.** The Commission encourages the use of job-related ability tests. Employers must be aware that when an applicant has not enjoyed equal educational and developmental opportunities, his score on a test may underestimate his job potential. The ultimate standard, however, is not the test score but performance on the job. Since cultural factors can so readily affect performance on so many tests, it is recommended that the test be judged against job performance rather than by what they claim to measure.

f) **Retesting.** Mindful of the special problems of minorities, employers are encouraged to provide an opportunity for retesting to those "failure candidates" who have availed themselves of more training or experience. A recent conciliation agreement signed by the Equal Employment Opportunity Commission and a State Employment Security Commission requests the ESC personnel assigned to local offices "to exercise a more liberal construction" of the agency's manual concerning testing. In particular, if an applicant during the course of an interview claims he has had more education or experience, then that person will be retested. It further provides that the State Bureau of Employment Security be requested to examine the feasibility of issuing less subjective regulations pertaining to retesting, so as to ensure every applicant maximum opportunity to qualify for job openings.

g) **Tests should be validated for minorities.** The sample population (norms) used in validating the tests should include representative members of the minority groups to which the tests will be applied. Only a test which has been validated for minorities can be assumed to be free of inadvertent bias. The Commission encourages employers to check these tests to make sure that hidden discrimination against minorities is not present.

II. **Objective Administration of Tests.** Since tests are assessment tools and their value depends upon the skill of their user, it is essential that tests be administered by personnel who are skilled not only in technical details, but also in establishing proper conditions for test taking. Members of disadvantaged groups tend to be particularly sensitive in test situations and those giving tests should be aware of this and be able to alleviate a certain amount of anxiety.

REPORT BY PANEL OF PSYCHOLOGISTS

The Equal Employment Opportunity Commission has asked us to advise it with respect to several issues concerning the development, introduction and administration of tests of aptitude and/or ability in industrial settings as related to problems of race relations. More particularly, the Commission has inquired concerning the processes by which tests should be developed and administered in an employment setting.

OBJECTIVE PERSONNEL ASSESSMENT SYSTEM

We recommend that the Commission advocate the use of a *total personnel assessment system* toward the attainment of equal employment opportunities for all Americans. The many components of an objective personnel assessment system, i.e., job analysis, development of criterion-related validity, psychological testing, recruitment, screening of applicants, interviewing, and the integration of pertinent personnel data, provide the employer with the basis for matching manpower requirements with human aptitudes and abilities that is most likely to be non-discriminatory within the spirit of the law.

The mutual interdependence of the respective components is definitive relative to the fairness and effectiveness of all aspects of the system. A sound testing program, for example, would be degraded by failure to admit appropriate applicants or by failure to use qualified personnel for the interpretation of test scores and additional relevant data obtained from other components of the assessment system. The final measure of the quality of fairness of a testing program must, therefore, hinge on the functional adequacy of the total personnel assessment system rather than any narrow evaluation of the quality of an individual system component.

PROFESSIONALLY DEVELOPED TESTS

We further recommend that the Commission adopt policies encouraging the development and application of various personnel selection and assessment procedures, and that guidelines, standards, and technical attributes of these evaluation procedures be stated in terms of principles and of sound objective assessment practices. To this end, the Commission may wish to consider the adoption of the published *Standards for Educational and Psychological Tests and Manuals*, issued jointly by the American Psychological Association, the American Educational Research Association, and The National Council on Measurement in Education (1966). It is of utmost importance that the

guidelines and operational policies encourage and facilitate use of objective and equitable personnel assessment systems.

PROFESSIONAL APPLICATION OF TESTS

Section 703(h) of Title VII of the Civil Rights Act of 1964 provides for the use of "professionally developed ability test(s)". It is also important to provide for the professional application of tests. It is quite possible to take a test that has been professionally developed in one situation and misuse it in another situation. Thus, the characteristics of a test, apart from the situation in which it is used, are not sufficient evidence on which to judge its "professional nature".

What then is the heart of this "professional nature"? It involves a process from the determination of behavioral requirements of the job through careful job analysis, the selection and/or development of instruments to measure these critically important abilities, the administration of these instruments to applicants for the job or employees on the job, the identification or development of measures of effective job performance (the criteria), to the comparison of individual employee scores with their criterion performance.

JOB ANALYSIS

Job analysis provides the systematic, precise identification of the skill requirements of the different categories of jobs. It is the matrix within which employee capabilities may be specified. The assessment system in industry is the procedure which matches skill requirements, determined through job analysis, with employee capabilities.

CRITERION-RELATED VALIDITY

While the earlier steps described above for a professional approach to testing are important, the crucial step is the final process of comparing test performance with job performance. Tests should be selected on the basis of validation against the performance requirements of the job, that is, criterion-related validity. In this sense a single test has a different degree of validity for each job-situation for which it may be used. In fact, a test may have varying validities for different aspects of the same job. It may accurately predict certain phases of job performance (e.g. number of accidents), but may fail to predict quality of output. If the scores from a given test, however, correlate (more than chance would indicate) with any important aspect of the job, the test may be said to have validity for that job. In this same sense several tests or a test battery may be required to predict the several required aspects of job performance.

For many jobs, schools or training courses have been established to

prepare the employee to perform the work. Test scores are often related to performance in the school (e.g. grades). It has frequently been found, however, that these course grades are not highly related to measures of job performance. Hence, it is recommended that wherever possible reliable measures of job performance should be used as criteria rather than the measures obtained during training. It should also be recognized that through time, jobs and job conditions frequently change. In these cases it will be necessary to revalidate the test. Maintaining current evidence of validity thus becomes a phase of the professional process.

In such validation the norm population must be relevant. It should be described in terms of those variables known to be relevant to the ability tested. The occupation and experience of workers in the norm population should be described. The decision to use the test should be based on data from a clearly adequate sample.

NORMS

When a person takes a test, many things may influence his score, quite apart from the aptitude or ability being measured. For example, language deficit can affect a score on an arithmetic reasoning test; as can other early learning experiences such as putting odd shaped blocks together. The extent to which any cultural factor operates independently of the trait being measured can affect test reliability and validity for that segment of the population whose culture differs appreciably from the normative groups. For such a person who is so affected, the test may underestimate his true potential and deprive the employer of a capable and willing worker.

Because of the possible adverse effects of culture on test scores, it is important that the population used in establishing norms be clearly described. Since, in practice, it is difficult to develop norms for each of the many homogeneous subdivisions (i.e. minority groups, etc.), the resulting problems of test interpretation demand a thorough appreciation of the factors involved on the part of the interpreter. The test user should, therefore, select instruments, when possible, which minimize cultural differences. Provisions also should be made for retesting when there is evidence that the applicant has availed himself of experience, i.e., formal training, etc., which would further reduce cultural handicaps. Any dynamic view of assessment must take into account not only the current status of the individual but also the rate at which he is progressing in the further development of those traits being measured.

Within this context, and where there is a strong indication that a cultural deficit is seriously affecting test reliability and validity, other methods of assessment such as job performance should be used. It

would seem desirable, however, that the Commission encourage, that as rapidly as possible, validation studies be conducted with minority groups using measures of cultural background as moderator variables.

**TRAINING OF PROFESSIONALS FOR SELECTION, ADMINISTRATION
AND INTERPRETATIONS OF TESTS**

Recognizing the benefits inherent in objective evaluation when properly developed, selected, administered, and interpreted, it then becomes necessary to consider the appropriate professional level required to perform each of those various functions. The matter of "professional development" of assessment instruments has been treated above, leaving open the questions of administration and interpretation of tests.

It would be impractical to outline a specific course of training which would qualify one to administer, score and interpret tests. Different tests demand different levels of competence for administration, scoring and interpretation. It is, therefore, the responsibility of the professional to recognize the limits of his competence and to perform only those functions which fall within his preparation and competence.

In the final analysis, tests are merely tools, and their value depends upon the skill of their user. Of central importance is the commitment of the employer to institute within his organization a total objective personnel assessment system fairly administered and professionally implemented so as to provide equal employment opportunities for all Americans.

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